

14 FAM 220

GENERAL ACQUISITIONS

(CT:LOG-1; 05-27-2005)
(Office of Origin: A/LM)

14 FAM 221 GENERAL ACQUISITIONS ISSUES

14 FAM 221.1 Advance Acquisition Planning

(CT:LOG-1; 05-27-2005)

- a. Acquisition planning is described in Federal Acquisition Regulation (FAR) Part 7 and Department of State Acquisition Regulation (DOSAR) Part 607. Acquisition planning is critical to the Department's ability to produce an annual Forecast of Contract Opportunities, a publication produced by the Office of Small and Disadvantaged Business Utilization (A/SDBU). Acquisition planning should occur concurrently with budget planning.
- b. Each year, the Office of the Procurement Executive (A/OPE) issues a memorandum setting forth the internal procedures for acquisition planning and providing a planning format. The advance acquisition plans (AAPs) must be submitted to the appropriate contracting activity. Acquisition planning applies to all Department acquisitions with an estimated value exceeding the simplified acquisition threshold of \$100,000, with the exception of construction acquisitions abroad conducted by the Office of Foreign Buildings. Posts abroad need only submit AAPs for actions over \$100,000 that have not been submitted under the Master Buy Plan (see 14 FAM 221.2).
- c. Acquisition planning must be initiated by a requirements office or post abroad as soon as a need is identified, preferably well in advance of the fiscal year in which the contract action is necessary. Acquisition requirements not identified in AAP submissions may be returned to a requirements office because adequate resources are not available to process the acquisitions in a timely, cost effective manner, in full compliance with law and regulation.
- d. In the event a projected requirement is identified after AAPs have been submitted, the requirements office or post abroad should submit advance information immediately using the appropriate format. Inadequate planning must not be used to justify either sole-source or limited competition by reason of unusual or compelling urgency. It should be noted that FAR 6.302-2 requires that agencies request offers from as

many potential sources as is practicable under the circumstances when attempting to use the “unusual and compelling urgency” exception to full and open competition.

14 FAM 221.2 Contract Review

(CT:LOG-1; 05-27-2005)

- a. Each fiscal year, the Office of the Procurement Executive (A/OPE) issues a call for acquisition plans (“Master Buy Plan”) via cable to posts abroad. A/OPE asks posts to provide a list of planned solicitations, contracts, and modifications for that fiscal year that will exceed the warrant level of the assigned contracting officer. A/OPE then selects those actions that it will review and provides the list to post. A/OPE grants authority for the contracting office to sign any planned actions that are not selected for review.
- b. Posts must notify A/OPE of any unplanned actions that exceed the contracting officer’s warrant level as they arise, so that A/OPE may decide whether a review is required. Posts failing to respond to the call for acquisition plans may be required to submit all acquisition actions above the contracting officer’s warrant level for A/OPE review and approval.
- c. Prior A/OPE review is not required when exercising priced options, unless specifically requested by A/OPE.

14 FAM 221.3 Year-End Spending

(CT:LOG-1; 05-27-2005)

- a. Acquisitions must be preceded by adequate planning and appropriate budget and fiscal management. Acquisitions that are made near the end of a fiscal year must represent a bona fide need for that fiscal year. Pursuant to FAR 6.301(c), contracting without full and open competition may not be justified on the basis of:
 - (1) Lack of advance planning by the requirements office; or
 - (2) Concerns related to the amount of funds available (e.g., funds will expire).
- b. To ensure that year-end acquisitions are procured efficiently:
 - (1) Orders for supplies and services will be kept to the minimum needed to support essential, approved programs;
 - (2) New contracts for future services will be made in accordance with established advance acquisition plans;

- (3) Requisitions, including telegraphic requisitions, must be received in A/LM/AQM in time to ensure processing before the end of the fiscal year. A/LM/AQM posts its deadlines on the A/LM Home Page on the Intranet. All purchase requests that are not included in approved AAPs or are submitted after the applicable deadline are subject to being returned to the requirements office or post without action; and
- (4) All purchase orders and delivery orders must be delivered, mailed, or pouched before October 1. Negotiated contracts must be signed by both the contractor and the contracting officer before October 1. Contracts awarded as a result of sealed bidding must be signed by the contracting officer prior to October 1.

14 FAM 221.4 Clearance Requirements

(CT:LOG-1; 05-27-2005)

Various Department of State offices must clear and approve certain equipment and services before a contracting officer may initiate an acquisition. The list of items and clearance offices is shown in 14 FAM Exhibit 221.4. It is the responsibility of the requirements office to obtain the appropriate clearances prior to submitting the acquisition request to the contracting activity.

14 FAM 221.5 Standardization Program

(CT:LOG-1; 05-27-2005)

- a. Department of State Acquisition Regulation (DOSAR) 606.370 establishes the Department's Standardization Program. While it is the Department's policy to promote full and open competition in all acquisition actions, there are some circumstances where only specified makes and models of equipment will satisfy the Department's needs and only one source is available.
- b. Requirements offices or posts that wish to standardize must prepare a written justification for other than full and open competition. The justification must be approved by the contracting officer, the requirements office, the procuring activity competition advocate, and the Procurement Executive. Sample justifications for motor vehicles and household appliances standardizations are available on the Intranet.
- c. The Departmental Competition Advocate, located in the Office of the Procurement Executive (A/OPE), controls and disseminates information on current standardizations and expiration dates for posts for motor vehicles and household appliances.

14 FAM 221.6 Three Principal Acquisition Methods

(CT:LOG-1; 05-27-2005)

- a. **Simplified acquisition:** Federal Acquisition Regulation (FAR) Part 13 and Department of State Acquisition Regulation (DOSAR) Part 613 describe simplified acquisition procedures. These procedures include the imprest fund (petty cash), the Governmentwide purchase card, purchase orders, and blanket purchase agreements (BPAs). Simplified acquisition procedures may be used for the acquisition of supplies, services, and construction when the aggregate amount is \$100,000 or less. Acquisitions for commercial items may use simplified acquisition procedures for acquisitions up to \$5 million under the Special Test Program in FAR Subpart 13.5.
- b. **Sealed bidding:** Sealed-bidding procedures are described in FAR Part 14 and DOSAR Part 614. Sealed bidding employs competitive bids, public opening of bids, and contract award that is based on the lowest bid submitted by a responsive, responsible bidder.
- c. **Negotiation:** The procedures and policies for contracting by negotiation are described in FAR Part 15 and DOSAR Part 615. Negotiation is a procedure that includes the receipt of proposals from offers, permits discussions (negotiations), and usually affords offerors an opportunity to revise their proposals before award of a contract.

14 FAM 221.7 Performance-Based Statements of Work

(CT:LOG-1; 05-27-2005)

- a. Specifications are the heart of any acquisition. In most instances, commercial providers should be able to meet the specifications. Specifications should be written to provide for maximum competition, and should not be restrictive.
- b. In recent years, there has been an emphasis to make contractors more accountable by requiring them to produce tangible results. This is particularly true for service contracts. Thus, performance-based service contracts are the standard when drafting statements of work for services. Beginning in Fiscal Year 2001, all new service contracts must be performance-based; any deviations must be justified in writing and approved by the Departmental Competition Advocate.
- c. Performance-based service contracts:
 - (1) Describe work in terms of results needed;
 - (2) Use measurable performance standards;

- (3) Provide for price reductions when acceptable work is not performed; and
 - (4) Give contractors freedom to determine how to meet the U.S. Government's performance objectives.
- d. Requirements offices must arrange for training of employees who write statements of work for contracts. The Foreign Service Institute (FSI) offers a correspondence course on this subject, and many other courses are available commercially.
- e. Detailed information on performance-based service contracting is available on the Office of the Procurement Executive (A/OPE) Internet Home Page.gov or on the A/OPE Intranet Home Page.

14 FAM 221.8 Synopsis of Proposed Contract Actions

(CT:LOG-1; 05-27-2005)

- a. Contracting officers are required to synopsise proposed actions exceeding \$25,000 in the Commerce Business Daily (CBD) in accordance with Federal Acquisition Regulation (FAR) Part 5.
- b. In accordance with a Determination and Findings issued by the Assistant Secretary of State for Administration and implemented in Department of State Acquisition Regulation (DOSAR) 606.202-70, contracting officers at posts abroad are not required to synopsise acquisitions in the CBD, unless the acquisition is for local guard services (see paragraph d in this section). This waiver is in effect until May 19, 2001.
- c. Contracting officers at posts abroad are not required to prepare an individual determination and findings to document their decision to waive the CBD notice requirements.
- d. All solicitations for local guard contracts that exceed \$250,000 in the aggregate must be advertised in the CBD.
- e. Nothing in this section prevents a contracting officer abroad from advertising in the CBD if he or she decides that such notice would be in the Department's best interests.
- f. The Office of the Procurement Executive (A/OPE) submits synopses of proposed contract actions electronically to the CBD on behalf of posts, in accordance with DOSAR 605.207(a)(1).

14 FAM 221.9 Reporting Requirements – State/Federal Procurement Data System (S/FPDS)

(CT:LOG-1; 05-27-2005)

- a. The Federal Procurement Data System is a computer-based information collection system established by the Office of Management and Budget's Office of Federal Procurement Policy. Executive departments and agencies are responsible for collecting and reporting acquisition data to the Federal Procurement Data Center (FPDC), in accordance with Federal Acquisition Regulation (FAR) Subpart 4.6.
- b. The State/Federal Procurement Data System (S/FPDS) is an automated data collection system designed to provide the Department's offices worldwide with an effective method for collecting and reporting acquisition data to the Federal Procurement Data System (FPDS). The State/Federal Procurement Data System (S/FPDS) is maintained by A/OPE.
- c. All domestic and contracting activities abroad must submit quarterly acquisition data through the State/Federal Procurement Data System (S/FPDS) to the Office of the Procurement Executive (A/OPE) for subsequent transmittal to the Federal Procurement Data Center (FPDS):
 - (1) **Domestic contracting activities:** Reports shall be submitted no later than 10 calendar days following the last day of each fiscal year quarter being reported; and
 - (2) **Contracting activities abroad:** Reports shall be submitted no later than 15 calendar days following the last day of each fiscal year quarter being reported.
- d. Detailed information on the State/Federal Procurement Data System (S/FPDS) may be found on the Intranet and the Internet.

14 FAM 221.10 Acquisitions Also Covered in 6 FAM 700

(CT:LOG-1; 05-27-2005)

Chapter 6 FAM 700, which will soon be deleted from 6 FAM and issued as 15 FAM, Overseas Buildings Operations, provides additional guidance for Department acquisitions.

14 FAM 222 CONTRACT ADMINISTRATION

(CT:LOG-1; 05-27-2005)

- a. Contract administration involves ensuring that both the contractor and the U.S. Government fulfill their mutual obligations as set forth in the contract. Contract administration begins when the contract has been signed and ends with the administrative actions taken at contract closeout when performance has been completed and the contractor has received final payment.
- b. Contract administration includes monitoring the contractor's technical progress and performance, approving invoices for payment in accordance with contractual terms, reviewing and consenting to subcontracts, controlling U.S. Government property, and overseeing contract modifications and terminations.
- c. The contracting officer may designate one or more technically qualified personnel as authorized representative(s) to assist in the administration of contracts, pursuant to Department of State Regulation (DOSAR) 642.270. These individuals are:
 - (1) Contracting officer's representative (COR), who is the primary individual assigned to monitor and evaluate the contractor's performance; and
 - (2) Government technical monitor (GTM), who assists the COR in monitoring and evaluating the contractor's performance.
- d. The contracting officer is the only person who may modify the contract, or take action to enter into or change a contractual commitment on behalf of the U.S. Government.
- e. The COR and GTM may assist the contracting officer in ensuring that the contractor complies with all terms and conditions of the contract, including the delivery and quality conditions specified in the contract.

14 FAM 223 THROUGH 229 UNASSIGNED

14 FAM EXHIBIT 221.4 CLEARANCE REQUIREMENTS FOR MISCELLANEOUS SUPPLIES AND SERVICES

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ITEM	APPLICATION (Y=Yes, N=No)		APPROVAL OFFICE	NOTES
	Domestic	Abroad		
1. Air Conditioners	Y	N	A/OPR/FMS/BM	
2. Aircraft Charter	Y	N	A/OPR/ST/TD For A/LM: A/LM/OPS/TTM	Charters aircraft; also clears requests by other Department of State offices for rental or charter of aircraft to transport U.S. Government personnel and/or commodities. Exempt from this clearance are requirements for leasing aircraft that are not primarily meant to transport U.S. Government personnel and/or commodities, e.g., leasing of aircraft for program support by the INL Bureau.
3. Audiovisual Productions	Y	N	PA/PRESS	
4. Building Maintenance and Services	Y	N	A/OPR/FMS/BM	
5. Classified Requirements	Y	N	DS/DSS	
6. Construction and Renovation	Y	Y	Domestic: A/OPR/FMS/BM A/OPR/RP M Abroad: OBO Post Occupational Safety and Health Officer (POSHO)	During planning and prior to excavation.
7. Circuitry—Leased	Y	Y	Domestic: DS/IMSO/DO/DSP IRM/OPS/ITI/TWD Abroad:	Any leased circuitry with domestic and/or applications abroad, used to support voice, data, and/or record

			DTS/PO	communications.
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8. Copying Equipment: Copiers and Cameras	Y	N	A/RPS/MMS PA/PRESS	Covers lease, purchase, or rental, and includes color copiers and color printers rated at 3 copies per minute or faster. PA/PRESS covers cameras only.
9. Desktop Publishing: a. Equipment and Support b. Foreign Language Desktop Publishing	Y Y	Y Y	Domestic: A/RPS/MMS Abroad: A/RPS/MMS Regional Bureau M/FSI/SLS	Covers lease or purchase, includes specialized hardware and software for pagemaking, typesetting, and publication production.
10. Educational Technology	Y	Y	M/FSI (respective school)	
11. Filing Equipment: Filing Cabinets, Safes, and Moving, Vertical, and Rotary Files	Y	Y	A/OPR/FMS/BM A/OPR/RPM	Structural surveys of floor for excessively heavy filing systems.
12. Filming Services: Motion Picture Filming, Video Taping	Y	Y	A/OPR/GSM PA/PRESS	
13. Financial Systems	Y	Y	RM/FMS RM/F/IFS/FSC/P	Covers standards for and program direction to requirements analysis, development, implementation, and maintenance of worldwide financial management systems.
14. Furnishings and/or Furniture	Y	Y	Domestic: A/LM/AQM A/OPR/RPM Abroad: OBO/PE/IF	A/OPR/RPM must approve of and/or develop plans for systems furniture prior to the order being placed to ensure electrical (power and lighting), HVAC, disabled, fire safety, and U/R requirements are met.
15. Generators and Generator-Related Items	Y	N	A/OPR/FMS/BM	

16. U.S. Government Publications: Books, Magazines, Newspapers	Y	N	For U.S. Government Publications: A/RPS/MMS	Covers purchase and subscription.
17. Graphic Equipment: Drafting, Plotting, Other	Y	N	A/RPS/MMS A/OPR/RPM	Covers lease or purchase. A/OPR/RM must clear on location to ensure that floor load capacity is not exceeded.
18. Graphic Services: Art Work, Designs, Presentations, Slides, Charts	Y	N	A/RPS/MMS	
19. Hazardous/ Safety-Related Materials for use by U.S. Government and/or Contractor Personnel: Chemicals, Products, Health Protective Equipment, Fire Detection and Suppression Equipment	Y	Y	Domestic: A/OPR/FMS OBO/OM/SHEM A/OPR/RPM Abroad: POSHO	
20. Language Services: Translators, Interpreters, Escorts	Y	N	A/OPR/LS	Only A/OPR/LS has delegated authority to contract for interpreters and translators domestically. All requests should be forwarded to A/OPR/LS in accordance with 6 FAM 1500.
21. Language Training	Y	Y	M/FSI/SLS	
22. Medical Equipment and Medical Professional Personnel	Y	N	M/MED	
23. Microimage Equipment: Microfilm and/or Microfiche Cameras, Computer Output to Microfilm Devices, Film, Processors, Film Readers and Reader Printers, Optical or Compact Disk Imaging, Storage Devices	Y	N	A/RPS/MMS A/OPR/RPM	Covers lease or purchase. A/OPR/RPM must clear on equipment where weight and location need to be reviewed to ensure that floor load capacity is not exceeded.

24. Microwave Ovens	Y	N	Executive Director of Requesting Bureau A/OPR/FMS/B	
25. Motor Vehicles	Y	Y	<p>Domestic:</p> <p>A/OPR/GSM/FM O</p> <p>State abroad:</p> <p>A/LM/OPS/WLC/ MV</p> <p>ICASS abroad:</p> <p>RM/ICASS</p> <p>Marine Security Guard abroad:</p> <p>DS/SPC/MSG</p> <p>Local Guard abroad:</p> <p>DS/CIS/PSP/FPD</p>	Executes all orders for vehicle acquisitions and leases. Must clear all justifications for vehicle acquisitions and leases, and provides guidance concerning technical matters, the FPMR, and applicable legislation. Requesting offices fund services through working capital fund obligation. Abroad: for all program vehicles and for any U.S.-manufactured vehicles to be purchased for export purposes.
26. Name Retrievable Systems	Y	Y	<p>Domestic:</p> <p>A/RPS/IPS</p> <p>Abroad:</p> <p>A/RPS/IPS</p> <p>Regional Bureau</p>	Related to data on private citizens.
27. Office Space: Leasing of Space	Y	Y	<p>Domestic:</p> <p>A/OPR/FMS/BM</p> <p>A/OPR/RPM</p> <p>Abroad: OBO</p>	By contract or subcontract.
28. Office Renovations	Y	Y	<p>Domestic:</p> <p>A/OPR/FMS/BM</p> <p>A/OPR/RPM</p> <p>Abroad:</p>	Covers renovation studies.

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			OBO	
29. Paper: Continuous Feed, Xerographic, Other	Y	N	A/LM/OPS/WLC/MAT	
30. Passenger Ground Transportation	Y	N	A/OPR/GSM/FMO	Executes all orders for passenger ground transportation by bus, automobile, or charter motor coach. Requesting offices fund services through working capital obligation.
31. Printing, Typesetting	Y	N	A/RPS/MMS	Includes typesetting by graphic design contractors or other printing services provided as part of broader contract obligations.

32. Printing Equipment	Y	N	A/RPS/MMS A/OPR/FMS/BM	Includes high-speed printer (rated over 15 copies per minute) that are on- or off-line. A/OPR/FMS/BM clearance required for excessively heavy equipment that could create floor load problems.
33. Radios	Y	Y	A/OPR/FMS/BM	A/OPR/FMS/BM clearance required for antenna fixed to or set on top of Department of State domestic facility.
34. Refrigerators	Y	N	Executive Director of Requesting Bureau	
35. Residences (Leased)	N	Y	RSO	
36. Satellite Systems	Y	Y	IRM/OPS/ITI/TWD/WLS	
37. Shielded Enclosures	Y	Y	A/OPR/RPM A/OPR/FMS/BM	
38. Corridor Signs (MS)	Y	N	A/OPR/GSM/SSD	
39. Tempest Equipment and Systems	Y	Y	Domestic: IRM/OPS/ITI/SI Abroad: IRM/OPS/ITI/SI Regional Bureau	
40. Telecommunications, Telephone Equipment, Accessories	Y	Y	Domestic and Abroad: IRM/OPS/ITI/TWD	
41. Telefax, Facsimile Machine	Y	Y	IRM/OPS/ITI/SI/CSB	
42. Telephone Service (Local and/or Long Distance)	Y	Y	IRM/OPS/ITI/TWD	
43. Training	Y	N	M/FSI/EX/REG	
44. Video Equipment (Videotape, Video Camera, Video Reproduction Equipment, Video Duplication Equipment)	Y	N	A/OPR/GSM/VPU	A/OPR/GSM/VPU clearance will determine if the proposed equipment is compatible with Department support services.